

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ILLINOIS NATIONAL INSURANCE COMPANY,

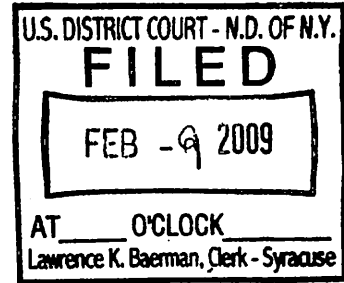
Plaintiff,

v.

Civil No. 05-CV-1260 NAM/DRH

BANC ONE ACCEPTANCE CORPORATION,

Defendant.



STIPULATION OF DISMISSAL

Under Federal Rule of Civil Procedure Rule 41(a)(1)(ii), the parties, through their counsel, stipulate that Illinois National Insurance Company's third claim against Banc One Acceptance Corporation is voluntarily dismissed without costs to any party. This stipulation is limited to claims arising out of the Hoadley occurrence, claim, and suit (*Hoadley v. Banc One Acceptance Corporation*, Index No. 04-0145, New York Supreme Court, Cayuga County), as alleged in Illinois National's complaint, and does not extend to any other occurrence, claim, or suit.

Dated: Buffalo, New York

~~January 9~~, 2009

February

HODGSON RUSS LLP

Attorneys for Illinois National Ins. Co.

A handwritten signature in black ink, appearing to be "Kevin D. Szczepanski".

Kevin D. Szczepanski
The Guaranty Building
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716-848-1485

Dated: Buffalo, New York

~~January 6~~, 2009

February

UNDERBERG & KESSLER LLP

Attorneys for Banc One Acceptance Corp.

A handwritten signature in black ink, appearing to be "Paul V. Nunes".

Paul V. Nunes
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585-258-2853

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to be "Norman A. Mordue".

Norman A. Mordue
Chief Judge

Dated: February 9, 2009